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August 1, 2023

Via ECF:

The Honorable Katherine Polk Failla, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

MEMO ENDORSED

Re: *Guzman v. 26 Motors Corp. et al*
Case No. 1:23-cv-00283-KPF

Dear Judge Failla,

We are counsel to Plaintiff in the above-referenced matter. Plaintiff writes to request an adjournment *sine die* of the mediation Ordered by the Court on July 5, 2023, which according to that Order was to be conducted on or before September 5, 2023.

In accordance with this matter's Case Management Order [ECF 28], Plaintiff served discovery requests on Defendants on June 23, 2023. On July 25, 2023, as no responses were produced, Plaintiff wrote Defendants regarding their outstanding documents. After receiving this email, Defense counsel informed Plaintiff at a meet and confer that a conflict has arisen, and he no longer has authority to litigate this matter on behalf of all Defendants. Currently, he is working out representation issues with the various Defendants.

As Defendants' counsel no longer has authority to respond to Plaintiff's outstanding discovery requests for all Defendants or represent their adverse interests, Defendants' counsel has requested an extension until August 27, 2023, to respond to Plaintiff's discovery requests. Plaintiff agreed to this extension.

Given the representation issues and delay in discovery production, Plaintiff requests that the mediation be adjourned *sine die*.

We thank the Court for its consideration.

Respectfully submitted,

/s/ C.K. Lee
C.K. Lee, Esq.

cc: all parties via ECF

Application GRANTED. In light of the representation issues alluded to above, the Court WITHDRAWS its referral of this matter to the Court's mediation program. (See Dkt. #33). The Court appreciates the parties' efforts to resolve those issues and begin discovery promptly.

The parties are ORDERED to file a letter on or before **September 5, 2023**, indicating (i) whether Defendants' representation issues have been resolved, (ii) the status of discovery, and (iii) whether the parties would like the Court to renew its referral to the S.D.N.Y. mediation program.

The Clerk of Court is directed to terminate the motion at docket entry 36.

Dated: August 2, 2023
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE